

Memorandum

To: ALL DISTRICT DIVISION CHIEFS
CONSTRUCTION

Date: December 12, 2000

From: **DEPARTMENT OF TRANSPORTATION**
CONSTRUCTION PROGRAM
Mail Station 44

File: Construction Program
Directive CPD-00-13

Subject: Revised SSP S5-170, "Dispute Review Board"
New SSP S5-056, "Final Payment and Claims"

For your information, attached are Standard Special Provisions (SSP) S5-170, "Dispute Review Board" and S5-056, "Final Payment and Claims," which are currently being incorporated in advertised contracts.

Although already required or allowed under the contract, the following conditions are clarified in this version of the Dispute Review Board (DRB) SSP:

- The contractor is required to include an estimate of the cost of the affected work and impacts, if any, on project completion along with the written referral of a dispute to the DRB.
- The DRB may, if appropriate, recommend guidelines for determining compensation in addition to making a recommendation on the merit of a dispute.
- Either party may request the DRB to make a recommendation regarding compensation if both parties accept a DRB recommendation but cannot agree on compensation within 60 days of acceptance of the recommendation.

The "Final Payment and Claims" SSP is new and is being incorporated into all contracts. The following contract requirements are in addition to those in Section 9-1.07B, "Final Payment and Claims," of the *Standard Specifications* and are consistent with the dispute resolution procedures outlined in Chapter 2-70, "Protests, Potential Claims, and Claims," of the *Construction Manual*:

- The district shall submit a claim position letter to the contractor within 135 days after acceptance of the contract.
- The contractor may request a board of review after receipt of the district's claim position letter or 135 days after acceptance of the contract, whichever occurs first.
- If the contractor requests a board of review, then it must be held within 45 days of the request.

Should you have any questions regarding these specifications, please call Scott Jarvis, Chief, Office of Contract Management, at (916) 651-6284 or CALNET 461-6284.



ROBERT PIEPLOW
Program Manager
Construction

Attachments